

APPROVED AS WRITTEN
Town of Fitzwilliam
Zoning Board of Adjustment
Meeting Minutes
Tuesday, April 10, 2018
Minutes Set 2 of 3 – ZBA Meetings in Town Hall
Set 1 of 3 – Yensan Site Walk
Set 3 of 3 – DeBarge Site Walk

Member's Present: Steve Filipi, Chairman; Chad Beede; Gretchen Wittenborg, Alternate; Dan Baker, Selectmen's Rep; Bob Handy; Dan Sutton, Alternate seated for Jack Ernst; Carmen Yon, Alternate seated for Cathy Davis;

Member's Absent: Cathy Davis; Jack Ernst; Sue Wood, Alternate;

Other's Present: Barbara Green & Joel Moses, both attended as a part of the Moses Family Trust which abuts the Yensan property; John McClure; Paul Grasewicz; Lester & Nancy Yensan; Carleen DeBarge;

CTO: 7:00 pm

Continued Public Hearing for the Yensan Variance. 7:00 pm.

Filipi opened the continued public hearing for Yensan and noted that Alternate Dan Sutton would be seated for Jack Ernst and Alternate Carmen Yon would be seated for Cathy Davis.

Filipi invited Grasewicz to come up to the Board with the revised variance site plan maps. At the previous meeting, Grasewicz had realized there was a discrepancy between the architectural plans and his site plan maps, to which he provided correct plans at this meeting. Grasewicz discussed that the revised variance site plans also include several things that were discussed at the previous meeting; the dimensions of a deck on the right-side of the structure; the dimensions of the porch on the left-side, including the stairs; and the dimensions of the setbacks for the porch, deck, and stairs. Grasewicz noted that though these features encroach on the setback requirements, they encroach less than those on the existing structure. Grasewicz then explained that the proposed structure is as far away from the shoreline as he can get it without encroaching on the side setbacks.

Grasewicz discussed that the revised variance plan now shows gutters that help direct runoff into the drywell, which is located on the lakeside of the house. Grasewicz then discussed that there is no grading towards the abutting properties and that he included a note (Note #3) to the revised variance site plans which says that "the grading shall not direct runoff onto abutting properties."

Grasewicz then presented a comparison of impervious surfaces for the existing and proposed structure. Grasewicz discussed that the impervious surface comparison describes the amount of impervious surfaces, woodland buffers, alteration, and more. Grasewicz explained that the impervious surface for the proposed structure is 4,507 square feet while the existing impervious surface coverage is 4,305 square feet. Grasewicz added that the proposed plans leave the property at about 15.93% impervious surface coverage while typically the threshold to begin implementing mitigation tools, such as stormwater runoff plans, is usually at 20% or higher.

Filipi asked what is defined as impervious on the property. Grasewicz explained that it includes the driveway and the proposed structure. Filipi then clarified with Grasewicz that the 200 square foot differential in impervious surface coverage comes from the proposed structure.

Green asked if the change in impervious surfaces takes into account the new roof plus and the new concrete crawl space beneath it. Grasewicz explained that only the footprint of the structure is used to calculate the impervious surface area. Grasewicz additionally explained that even though the driveway is gravel, it is still considered an impervious surface by NH DES. Grasewicz added that they had submitted the proposed plans to the state.

Filipi reiterated that the revised variance site plan now provided the additional information and features discussed at the previous meeting, such as the square footage, the correct foot print of the building, and to mitigate the stormwater runoff particularly on the lake-side of the proposed house. Filipi added that as a condition to approval, they would be asked to conduct a Hazardous Materials Assessment of the building prior to the demolition of the building.

Filipi asked if there was any further discussion before deliberations; there was none. Filipi asked Green if she still felt that the Conservation Commission should look at the shoreland plan. Green responded they would like a copy for the Conservation Commission to review. Filipi asked that Grasewicz provide a copy for the Conservation Commission.

Filipi moved to the five findings of a Variance. Filipi motioned to close the hearing, Handy seconded, and the Board agreed unanimously.

1. The variance will not be contrary to the public interest. Filipi agreed, adding that he finds the proposal improves the site long term because it increases the amount of stormwater runoff mitigation and that it's in everybody's interest to have the properties in Town maintained. Beede added that it makes the structure more conforming to the zoning ordinances. The Board agreed unanimously.
2. The spirit of the ordinance is observed. Filipi discussed he agrees, again stating it helps bring it into conformance. The Board members agreed unanimously.
3. Substantial justice is done. Yon discussed that the proposal improves the use of the land, such as the encroachment of setbacks. Sutton added that the revised variance plan addresses the concerns of the abutters through additional mitigation features and additional steps to be taken. All agreed unanimously.

4. The values of surrounding properties are not diminished. Filipi agreed, the Board agreed unanimously.
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The Board agreed unanimously.

The Board unanimously agreed to accept the Yensan application for a variance.

Filipi then discussed that there would be conditions added to the final notice of decision as follows: The applicants shall include a Hazardous Materials Assessment and if hazardous materials are found then they shall be removed by a licensed professional.

Public Hearing for Carleen DeBarge's Variance Application. 7:20 pm.

Filipi opened the public hearing for the DeBarge application for a variance.

DeBarge discussed that the shed is sitting exactly where has been since it was delivered, pre-fabricated. DeBarge explained she chose that location because it was the most solid portion of her property, describing how the septic and leach field elsewhere in her yard make it difficult to site the shed without it sinking or having a truck drive in where it may sink.

Filipi asked how far the shed is from the stone wall and DeBarge responded about 12-15 feet. DeBarge also noted that no vegetation was removed to place it there.

Wittenborg noted to Filipi that it would be hard to make a decision since there are no dimensions on the map, and that it makes it difficult for the Board to determine if the current distance is appropriate from the right-of-way. Filipi then explained that the Board asks for those dimensions so that they can be aware of whether or not the structure is moved.

Wittenborg and Filipi discussed that the Board would need the distance between the stone wall and the closest side of the shed; distance from the shed to the porch of the house; and the side yard dimensions.

Yon suggested that the Board take a site walk at the property. Filipi responded that if the Board felt they needed a site walk, then they should go get it done with now. The Board agreed it would be beneficial to go over and conduct a site walk and then return back to the Lower Meeting Hall to continue.

Filipi then motioned to move to a site walk at the DeBarge property, Sutton seconded, and the Board agreed unanimously to go conduct a site walk the DeBarge property. (See Minutes Set 3 of 3 from the DeBarge site walk.)

The Board reconvened from the site walk at 7:48 pm in the Lower Meeting Hall.

Filipi asked if it was reasonable for DeBarge to relocate the shed so that it conforms to the front-yard setback requirement. DeBarge explained that she felt it would be an inconvenience and could be costly. Filipi explained that the Board has to be able to find the five findings of a variance, discussing the criteria that the Board looks for. Filipi reiterated that because the Board has established there is an option for DeBarge to relocate the shed to meet the setback requirement, it was unlikely the Board would be able to approve the variance application. Filipi explained that if she is willing to try and relocate the structure then she can formally withdraw her variance application.

Filipi asked Baker what a reasonable time frame would be to give DeBarge to cut brush and relocate the shed. Baker responded that maybe they could give her 60 days. Filipi suggested 90 days and DeBarge responded she would try for 90 days to accomplish the work. Filipi reiterated that he would provide her with the contact information for someone who could move the shed.

Yon asked to clarify if DeBarge was formally going to withdraw the application. DeBarge responded that she is formally withdrawing her application and would work on clearing brush and getting the structure moved.

Minutes from March 14, 2018. 7:55 pm.

The Board reviewed the minutes of Wednesday, March 14, 2018. Filipi moved to approve the minutes as written, Sutton seconded, and the Board agreed unanimously.

Zoning Board Application Form. 7:56 pm.

The Board agreed to carry the application forward to the next meeting.

Filipi motioned for the meeting to adjourn, Handy seconded, the Board agreed unanimously, and the meeting adjourned at 7:58 pm.